

PROOF OF SERVICE

Randall M. Fox hereby declares under penalty of perjury that: I am a Special Assistant Attorney General in the Office of the Attorney General of the State of New York, counsel for plaintiff The People of the State of New York, and that I caused a copy of (1) Notice of Motion by Plaintiffs The People of the State of New York and The City of New York to Remand for Lack of Federal Subject Matter Jurisdiction, (2) the Declaration of Randall M. Fox, dated October 26, 2007, and (3) Plaintiffs' Memorandum of Law in Support of Their Motion to Remand for Lack of Federal Subject Matter Jurisdiction, to be served upon counsel for defendant Merck & Co., Inc. by causing the same to be hand delivered on October 26, 2007 addressed to:

Theodore V. H. Mayer
Vilia B. Hayes
Robb W. Patryk
Hughes Hubbard & Reed LLP
One Battery Park Plaza
New York, New York 10004-1482

Dated: New York, New York
October 26, 2007

S/

Randall M. Fox